IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1395 of 2006 (S/S)

Ranjeet Singh Rawat
S/o Sri Kuwar Singh Rawat
R/o Sitabpur near Milk Dairy
Post Office Kotdwar,
District Pauri Garhwal.

…… Petitioner

Versus

(1) State of Uttaranchal through Secretary
Uttaranchal, Civil Secretariat Dehradun
(2) Secretary Vikas Anubhag-6
State of U.P., Lucknow.
(3) Managing Director, Garhwal Mandal
Vikas Nigam, Dehradun.
(4) Manager, Flush Door Factory, Kotdwar
District Pauri Garhwal.

…… Respondents.

Sri Raman Kumar Shah, learned counsel for the petitioner.
Sri Alok Singh, Senior Advocate, assisted by Sri Dharmendra Barthwal and Sri U.K. Uniyal, Senior Advocate, assisted by Sri Shobhit Saharia, learned counsel for the respondents.

Hon’ble. Prafulla C. Pant, J.

By means of this writ petition, moved under Article 226 of Constitution of India, the petition has sought mandamus, commanding respondents to sanction the revised pay scale to the petitioner as being given to the other employees of the Department. It is further prayed in the writ petition that respondent no. 1 be directed to decide the representation dated 18.09.2006, made by the petitioner.

(2) Heard learned counsel for the parties.

(3) Brief facts of the case, as narrated in the writ petition, are that petitioner was initially appointed as ad hoc Drier Machine Operator with Garhwal Mandal Vikas Nigam. His services were regularized in said Department w.e.f. 15.04.1987 and he was placed at Serial No. 24 as Drier Machine Operator. It is alleged by the petitioner that other similarly situated employees of Flush Door Factory, Kotdwar run by Garhwal Mandal Vikas Nigam, where the petitioner is posted, are being paid revised pay scale. It is further stated in the writ petition that the post of Drier Machine Operator is a technical post. And on 20.09.1996, in 66th meeting of the Board of Directors of Nigam, the matter of revision of pay scale was considered and is was decided to move the Government for their approval for up gradation of the pay scale of Drier Machine Operator. The petitioner has stated in the writ petition that he made several representations but the petitioner is yet to get the revised pay scale. In this connection it is further stated that the last representation made by him was

dated 19.09.2006 (copy Annexure 4 to the writ petition). Aggrieved by inaction on the part of the respondents, this writ petition has been filed.

(4) A counter affidavit has been filed on behalf of respondent no. 3 i.e. Managing Director, Garhwal Mandal Vikas Nigam, Dehradun. In said counter affidavit it is stated that petitioner was appointed in Flush Door Factory, initially on daily wages on 20.10.1982. Later, petitioner was given pay scale of Rs. 775-1067 (revised pay Rs. 2610-3735), and after seven years pay scale of 899-1081 (revised Rs.2910-3800), and again after seven years Rs. 1110-1500 (revised Rs. 3050-4510), was given to the petitioner. Para 3 of the counter affidavit filed on behalf of respondent no. 3 contains following averments:-

"That the ordinary pay scale of the petitioner is 775-1067 (revised Rs. 2610-3735) and after seven years, the petitioner is entitled to get time scale Rs. 899-1081 (revised Rs. 2910-3800) and after another seven years petitioner is entitled to pay scale of Rs. 1110-1500 (revised Rs. 3050-4510) after completing continuous satisfactory service as mentioned above. It is evidently clear that presently the petitioner is getting second time scale i.e. Rs. 1110-1500 (Revised Rs. 3050-4510) which is almost equal to the pay scale of Rs. 950-1500 (revised Rs. 3050-4590) which has been referred to the Government for approval. It appears that

Government might have taken the same fact into consideration."

Apart from this Para 8 of the aforesaid counter affidavit discloses following averments:-

"That contents of para 6 of the writ petition are not denied. It is relevant to mention here that in the 66th Board of Director's meeting of the respondent Corporation held on 20.09.1996 and the resolution was passed to up grade the present scale of Rs. 775-1067 (revised Rs. 2610-3735) of the created and sanctioned posts of Drier Machine Operator to 950-1500 (revised Rs. 3050-4590) subject to approval of Government. Accordingly, a letter no. 2049/II-46 (91-94) dated 23.11.1996 regarding the same was sent to Government. True and correct copy of the letter and the resolution are annexed as ***ANNEXURE NO. CA-3*** *(Colly.)"*

(5) Having heard learned counsel for the parties, in the above facts and circumstances, this Court finds that Garhwal Mandal Vikas Nigam has already recommended to the Government vide its letter dated 23.11.1996 (Copy CA-3 to the counter affidavit) regarding up-gradation of the pay scale. It appears that no decision was taken by State of U.P. on said recommendation made by respondent no. 3 Meanwhile, state of Uttarakhand was created and now the decision is to be taken by respondent no. 1 in the matter.

(6) In the circumstances, this writ petition can be disposed of by directing the respondent no. 1 to consider the matter with regard to the up-gradation or / revision of the pay scale of Drier Machine Operator in Flush Door Factory, Kotdwar. Accordingly the writ petition is disposed of directing respondent

no. 1 to take a decision on letter dated 23.11.1996 sent by Managing Director, Garhwal Mandal Vikas Nigam to the Secretary, Uttarakhand Vikas Anubhag-6, Lucknow, treating the same to have been addressed to it within a period of three months from the date certified copy of this order is produced before said authority.

(Prafualla C. Pant, J.)

Dt. 24.09.2007.
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